

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
U2 HOME ENTERTAINMENT, INC.,

Plaintiff,

vs.

NEW MELODY MUSIC, INC. and KAI
CAN WANG

Defendants.
-----x

07 Civ 8295 (SAB)

NOTICE AND ORDER OF DISMISSAL

WHEREAS, plaintiff filed this action on September 24, 2007 seeking, inter alia, damages and injunctive relief for defendants' copyright and trademark infringement;

WHEREAS, on October 6, 2007, pursuant to the Order of Seizure issued in this case, the United States Marshal was unable to locate and seize unauthorized copies of plaintiff's copyrighted motion pictures from defendants;

WHEREAS, plaintiffs have filed in this action a corporate undertaking in the amount of Ten Thousand Dollars (\$10,000) (the "Bond");


WHEREAS, none of the defendants has appeared in this action, nor has any defendant filed an answer or moved with respect to the complaint; and

WHEREAS, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, plaintiff hereby dismisses this action without prejudice; it is further

ORDERED, that the Bond posted by plaintiff pursuant to the Order of Seizure be vacated.

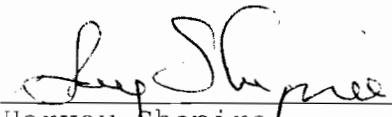
Dated: New York, New York
11/7, 2007

So Ordered:



Sidney H. Stein
United States District Judge

SARGOY, STEIN, ROSEN & SHAPIRO

By:  11/6/07
Harvey Shapiro
Counsel for Plaintiff
U2 Home Entertainment, Inc.
1790 Broadway, 14th Floor
New York, New York 10019
(212) 621-8224